

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 586

BY BUSINESS COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-106, IDAHO CODE, TO REVISE A DEFINITION; AMENDING THE HEADING FOR CHAPTER 18, TITLE 49, IDAHO CODE, TO PROVIDE FOR THE TOWING AND STORAGE OF MOTOR VEHICLES; AMENDING SECTION 49-1802, IDAHO CODE, TO PROVIDE A PRESUMPTION RELATING TO OWNERS OF VEHICLES REMOVED UNDER THE AUTHORITY OF SPECIFIED LAW; AMENDING SECTION 49-1803, IDAHO CODE, TO DELETE REFERENCE TO VEHICLES FOUND UNDER EMERGENCY CIRCUMSTANCES AND TO DELETE REFERENCE TO VEHICLES INVOLVED IN ANY EXTRAORDINARY CIRCUMSTANCES; AMENDING CHAPTER 18, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1803A, IDAHO CODE, TO PROVIDE THAT AUTHORIZED OFFICERS MAY CAUSE CERTAIN VEHICLES TO BE PLACED IN THE CUSTODY OF TOW TRUCK OPERATORS, TO PROVIDE FOR EXPENSES, TO PROVIDE FOR INVENTORY/NOTICE FORMS AND TO PROVIDE FOR NOTICES; AMENDING SECTION 49-1804, IDAHO CODE, TO PROVIDE FOR VEHICLES NOT WITHIN THE CLASS OF VEHICLES DEFINED UNDER EXTRAORDINARY CIRCUMSTANCES; AMENDING SECTION 49-1807, IDAHO CODE, TO DELETE REFERENCE TO VEHICLES FOUND UNDER EXTRAORDINARY CIRCUMSTANCES AND TO PROVIDE FOR VEHICLES TO BE TOWED AS PART OF AN INVESTIGATION; AMENDING SECTION 49-1807A, IDAHO CODE, TO PROVIDE FOR ITEMIZED STATEMENTS BY TOWING COMPANIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1808, IDAHO CODE, TO PROVIDE THAT REASONABLE EFFORTS SHALL BE MADE TO PREVENT DAMAGE TO STORED VEHICLES, TO DELETE REFERENCE TO DUTIES OF EMPLOYEES, TO REQUIRE OFFICERS TO COMPLETE CERTAIN FORMS, TO REQUIRE AVAILABILITY OF CERTAIN VEHICLES FOR PHYSICAL INSPECTION AND TO PROVIDE THAT CERTAIN VEHICLES MAY BE DECLARED AS ABANDONED AND PROCESSED FOR DISPOSAL; AMENDING SECTION 49-1809, IDAHO CODE, TO PROVIDE THAT POSSESSORY LIENHOLDERS MAY SATISFY CERTAIN LIENS, TO PROVIDE THAT POSSESSORY LIENHOLDERS SHALL NOT BE RESPONSIBLE FOR PROPERTY AFTER VEHICLE DISPOSAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1811, IDAHO CODE, TO PROVIDE FOR UNCLAIMED VEHICLES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-1812, IDAHO CODE, TO DELETE REFERENCE TO ABANDONED VEHICLES AND TO PROVIDE THAT OWNERS AND LIENHOLDERS MAY TAKE POSSESSION OF CERTAIN VEHICLES; AMENDING SECTION 49-1813, IDAHO CODE, TO DELETE REFERENCE TO ABANDONED VEHICLES, TO PROHIBIT UNAUTHORIZED REMOVAL OF VEHICLES TOWED UNDER SPECIFIED LAW AND TO PROVIDE FOR RETURN TO STORAGE; AMENDING SECTION 49-1814, IDAHO CODE, TO INCREASE THE APPRAISED VALUE AMOUNT RELATING TO APPLICABILITY OF SPECIFIED PROVISIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1815, IDAHO CODE, TO PROVIDE FOR REQUESTS BY POSSESSORY LIENHOLDERS RELATING TO STORAGE, TO REVISE THE TITLE OF A FORM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-1816, IDAHO CODE, TO DELETE REFERENCE TO AUTOMOBILE PARTS DEALER, TO INCREASE THE VALUE OF VEHICLES SUBJECT TO DISPOSAL, TO PROVIDE THAT CERTAIN VEHICLES MAY BE DISPOSED OF TO AUTOMOBILE PARTS DEALERS, TO REVISE THE TITLE OF A FORM AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING CHAPTER 18, TITLE

1        49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1819, IDAHO CODE,  
2        TO PROVIDE THAT SPECIFIED PROVISIONS SHALL BE UNIFORM THROUGHOUT THE  
3        STATE.

4        Be It Enacted by the Legislature of the State of Idaho:

5        SECTION 1. That Section 49-106, Idaho Code, be, and the same is hereby  
6        amended to read as follows:

7        49-106. DEFINITIONS -- E.

8        (1) "Electric personal assistive mobility device" means a  
9        self-balancing two (2) nontandem wheeled device designed to transport only  
10       one (1) person, with an electric propulsion system that limits the maximum  
11       speed of the device to fifteen (15) miles per hour or less.

12       (2) "Emergency vehicle." (See "Vehicle," section 49-123, Idaho Code)

13       (3) "Encumbrance." (See "Lien," section 49-113, Idaho Code)

14       (4) "EPA" means the environmental protection agency of the United  
15       States.

16       (5) "Essential parts" means all integral and body parts of a vehicle of  
17       a type required to be registered, the removal, alteration or substitution  
18       of which would tend to conceal the identity of the vehicle or substantially  
19       alter its appearance, model, type or mode of operation.

20       (6) "Established place of business" means a place occupied either  
21       continuously or at regular periods by a dealer or manufacturer where his  
22       books and records are kept and a large share of his business is transacted.

23       (7) "Excessive" or "unusual noise" means any sound made by a passenger  
24       motor vehicle or a motorcycle at any time under any condition of grade,  
25       speed, acceleration or deceleration, which exceeds ninety-two (92)  
26       decibels, or any lower decibel level that is fixed by law or rules adopted by  
27       the board of health and welfare, on the "A" scale of a general radio company  
28       No. 1551-B sound level meter, or equivalent, stationed at a distance of  
29       not less than twenty (20) feet to the side of a vehicle or motorcycle as the  
30       vehicle or motorcycle passes the soundmeter or is stationed not less than  
31       twenty (20) feet from a stationary motor or engine.

32       (8) "Excessive speed" means any speed of fifteen (15) miles per hour or  
33       more above the posted speed limit, and is only for purposes of determining  
34       disqualification of commercial driving privileges.

35       (9) "Executive head," as used in chapter 20, title 49, Idaho Code, means  
36       the governor of the state of Idaho.

37       (10) "Explosives" means any chemical compound or mechanical mixture  
38       that is commonly used or intended for the purpose of producing an explosion  
39       and which contains any oxidizing and combustive units or other ingredients  
40       in proportions, quantities or packing that an ignition by fire, by friction,  
41       by concussion, by percussion or by detonator of any part of the compound or  
42       mixture may cause a sudden generation of highly heated gases with which the  
43       resultant gaseous pressures are capable of producing destructive effects on  
44       contiguous objects or of destroying life or limb.

45       (11) "Extraordinary circumstances" means any situation where an  
46       emergency exists or public safety is endangered, or any situation in which a  
47       vehicle:

48       (a) Is blocking or impeding traffic; or

- 1 (b) Is causing a hazard; or
- 2 (c) Has the potential of impeding any emergency vehicle; or
- 3 (d) Is impeding any snow removal or other road maintenance operation;
- 4 or
- 5 (e) Has been stolen but not yet reported as recovered; or
- 6 (f) Is not registered, or displays a license plate registration tag
- 7 which has been expired; or
- 8 (g) Has been involved in an accident and remains on the roadway; or
- 9 (h) The driver has been arrested.

10 SECTION 2. That the Heading for Chapter 18, Title 49, Idaho Code, be,  
11 and the same is hereby amended to read as follows:

#### 12 CHAPTER 18

#### 13 ~~ABANDONED~~ TOWING AND STORAGE OF MOTOR VEHICLES

14 SECTION 3. That Section 49-1802, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 49-1802. PRESUMPTION. (1) The abandonment of any vehicle shall create  
17 a prima facie presumption that the last registered owner of record is  
18 responsible for the abandonment and is thereby liable for the costs incurred  
19 in the removal, storage and disposition of the vehicle, less any amount  
20 received from the disposition of the vehicle.

21 (2) The owner of any vehicle removed under extraordinary  
22 circumstances, or under the authority of section 49-662, Idaho Code, is  
23 presumed responsible for the vehicle and is thereby liable for the costs  
24 incurred in the removal, storage and disposition of the vehicle, less any  
25 amounts received from the disposition of the vehicle.

26 (3) If a vehicle is found abandoned or under extraordinary  
27 circumstances and is removed at the direction of any authorized officer, and  
28 is not redeemed by the owner or lienholder within seven (7) days of the tow,  
29 the last registered owner of record is guilty of a traffic infraction, unless  
30 the owner has filed a release of liability with the department according to  
31 section 49-526, Idaho Code, in which case the transferee shown on the release  
32 of liability shall be guilty of a traffic infraction.

33 SECTION 4. That Section 49-1803, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 49-1803. REMOVAL OF STOLEN VEHICLES ~~OR VEHICLES FOUND UNDER EMERGENCY~~  
36 ~~CIRCUMSTANCES.~~ (1) Any authorized officer, upon discovery of a vehicle  
37 reported as stolen and not recovered, ~~or any vehicle involved in any~~  
38 ~~extraordinary circumstances,~~ may take the vehicle into custody and cause  
39 it to be taken to and stored in a suitable place, or may cause the vehicle  
40 to be placed in the custody of a tow truck operator, all expenses of towing  
41 and storage to be those of the vehicle owner unless otherwise determined  
42 according to the provisions of section 49-1805(5), Idaho Code.

43 (2) Within forty-eight (48) hours of the time that the vehicle is taken  
44 into custody and is stored pursuant to this chapter, the agency of which  
45 the officer is an agent shall give written notice by certified mail to the

1 registered and legal owners of the vehicle, if known. The notice shall  
2 state:

3 (a) That the vehicle has been taken into custody and stored; and

4 (b) The location of storage of the vehicle.

5 (3) The public agency by which the officer is employed shall appraise  
6 the vehicle and shall include in the notice, identification of the officer;  
7 location of the vehicle; a description of the vehicle including make, year  
8 model, identification number, license number, state of registration and the  
9 statutory authority for storage.

10 SECTION 5. That Chapter 18, Title 49, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and  
12 designated as Section 49-1803A, Idaho Code, and to read as follows:

13 49-1803A. REMOVAL OF ACCIDENTS -- DRIVER ARRESTS -- VEHICLES FOUND  
14 UNDER EXTRAORDINARY CIRCUMSTANCES. (1) Any authorized officer directing the  
15 removal of a vehicle under the authority of this chapter, or the provisions  
16 of section 49-662, Idaho Code, as the result of an accident, the driver being  
17 arrested or extraordinary circumstances, may cause the vehicle to be placed  
18 in the custody of a tow truck operator, all expenses of towing and storage  
19 to be those of the registered owner, unless the registered owner has filed  
20 a release of liability according to the provisions of section 49-526, Idaho  
21 Code, in which case the purchaser or other transferee recorded on the release  
22 of liability statement shall be presumed responsible and liable.

23 (2) At the time of removal, the authorized officer shall complete an  
24 inventory/notice form containing, but not limited to, the following:

25 (a) Name and addresses of registered owner and lienholder;

26 (b) Complete vehicle description, including license plate number and  
27 vehicle identification number;

28 (c) Date, time and reason for tow;

29 (d) Law enforcement agency directing tow and case number assigned;

30 (e) Appraisal value of vehicle and daily storage rate;

31 (f) Authorized officer name or badge number;

32 (g) Name, address and telephone number of towing company;

33 (h) Signature of tow truck operator taking receipt of vehicle and  
34 contents.

35 (3) A copy of this notice shall be provided to the legal and registered  
36 owner at the scene, or may be mailed first class mail within ninety-six  
37 (96) hours, excluding weekends and holidays. This notification shall be in  
38 addition to all notices required for vehicle disposal procedures contained  
39 in this chapter.

40 SECTION 6. That Section 49-1804, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 49-1804. REMOVAL OF ABANDONED VEHICLES BY AUTHORIZED OFFICER. Any  
43 authorized officer within the jurisdiction in which a vehicle is located,  
44 who has reasonable grounds to believe that the vehicle has been abandoned,  
45 may remove the vehicle from a highway or from public or private property to a  
46 garage or nearest place of safety.

1        Upon discovery of an abandoned vehicle which is not within the class  
 2 of vehicles defined under "~~emergency~~extraordinary circumstances," an  
 3 authorized officer shall attach on the vehicle, in plain view, a notice that  
 4 this vehicle will be towed away at the expiration of forty-eight (48) hours  
 5 as an abandoned vehicle. The notice shall contain the name of the officer  
 6 who prepared the notice; the name of the agency employing the officer; the  
 7 time and date of attaching the notice; the time and date after which the  
 8 vehicle will be removed; the telephone number and address of the agency where  
 9 further information can be obtained. A reasonable attempt shall be made  
 10 to notify by telephone the owner of any vehicle which has current license  
 11 plates and registration as shown on the records of the department, prior to  
 12 the expiration of the forty-eight (48) hour notice period, of the location  
 13 of the vehicle and the time and date of intent to remove the vehicle. The  
 14 inability of an officer to notify the owner shall not preclude the removal of  
 15 the vehicle at the expiration of the forty-eight (48) hour period.

16        Any vehicle which does not have current or any license plate attached  
 17 may be immediately removed to a safe place of storage.

18        SECTION 7. That Section 49-1807, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20        49-1807. CHARGES NOT OTHERWISE PROVIDED FOR. Every towing firm,  
 21 employee or agent in the process of towing, removing or impounding a  
 22 vehicle as directed by an authorized officer, except vehicles ~~found under~~  
 23 ~~extraordinary circumstances~~ to be towed as part of an investigation or  
 24 suspected stolen, shall upon request of the owner or his authorized agent,  
 25 release the vehicle at the scene. If the vehicle is attached to the tow  
 26 truck, or otherwise "in tow," the regular, scheduled tow fee may be charged.  
 27 When the vehicle is not yet "in tow" at the time of request, the release must  
 28 be made, and no charge may be assessed except a customary and reasonable  
 29 charge for mileage one way from the towing firm's place of storage to the  
 30 scene plus the usual fee for the tow truck operator. If the authorized fee is  
 31 not tendered by the owner or his agent, the towing operator may complete the  
 32 impoundment, towing or removal, as authorized.

33        SECTION 8. That Section 49-1807A, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35        49-1807A. UNAUTHORIZED REMOVAL OF VEHICLE -- REFUSAL TO RELEASE  
 36 VEHICLE. (1) Any towing firm, employee or agent thereof called to the scene  
 37 of an accident or disabled vehicle by an authorized officer and requested to  
 38 remove a vehicle, shall remove the vehicle and take it to the nearest garage  
 39 or other place of safety as directed by the officer or, except as otherwise  
 40 provided in this chapter, shall take the vehicle to such place as the owner  
 41 or his authorized agent may reasonably request. The towing firm, employee  
 42 or agent shall not be entitled to recover any storage, impound fees or other  
 43 fees, except the scheduled tow fee, if the firm, employee or agent:

44        (1a) Removes the vehicle to a place other than as directed by the  
 45 officer or as reasonably requested by the owner or his authorized agent;  
 46 or

(2b) After removing the vehicle, refuses to release the vehicle to the owner or his authorized agent for any reason other than the refusal of the owner or authorized agent to pay the fees to which the towing firm is lawfully entitled. The refusal of the owner or his authorized agent to pay fees to which the towing firm, employee or agent is not entitled pursuant to this subsection, shall not be cause for the towing firm, employee or agent to refuse to release the vehicle.

(2) Upon release of the vehicle to the owner or authorized agent, the towing company shall provide an itemized statement containing the following:

- (a) Location from which the vehicle was towed;
- (b) Storage location of the vehicle;
- (c) Name, address and telephone number of the tow company;
- (d) Year, make and model of the vehicle towed;
- (e) License plate number of the vehicle towed;
- (f) Itemized cost of towing and recovery charges;
- (g) Daily storage charge and number of days stored.

SECTION 9. That Section 49-1808, Idaho Code, be, and the same is hereby amended to read as follows:

49-1808. STORAGE OF VEHICLE. Whenever an authorized officer removes a vehicle from a highway, or from public or private property, he shall take, or cause to be taken, the vehicle to the nearest garage or other place of safety. Reasonable efforts shall be made to secure and prevent further damage to vehicles being stored. At the time of removal, the authorized officer or employee shall record the mileage of the vehicle shall complete a towed vehicle inventory/notice according to the provisions of section 49-1803A(2), Idaho Code.

(1) Any vehicle stored under the provisions of this chapter, except vehicles being stored as part of a law enforcement investigation, shall be made available for physical inspection by the legal or registered owner or insurance representative during reasonable business hours at no additional charge.

(2) Any vehicle towed as a result of extraordinary circumstances, or under the authority of section 49-662, Idaho Code, and stored in excess of thirty (30) days, not being held as part of a law enforcement investigation, may be declared as abandoned and processed for disposal under the provisions of this chapter.

SECTION 10. That Section 49-1809, Idaho Code, be, and the same is hereby amended to read as follows:

49-1809. REQUEST BY POSSESSORY ~~LIEN HOLDER~~ LIENHOLDER FOR NAMES AND ADDRESSES OF INTERESTED PERSONS -- NOTICE OF SALE TO SATISFY LIEN. (1) After acquiring possession of a vehicle in any manner authorized by the provisions of this chapter, the possessory ~~lien holder~~ lienholder shall make a request to the department for the names and addresses of all persons having an interest in the vehicle as appears in the department records. The possessory ~~lien holder~~ lienholder shall, upon receipt of this information, notify all legal or registered owners in accordance with section 49-1805,

Idaho Code, unless otherwise already complied with. Whenever a vehicle has been removed under the provisions of this chapter and the possessory ~~lien holder~~ lienholder has sent the notice as provided, the possessory ~~lien holder~~ lienholder shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe the vehicle for a period not exceeding sixty (60) days. If the vehicle is not recovered by the owner within that period or the owner is unknown, the ~~keeper of the garage~~ possessory lienholder may satisfy his lien in the manner prescribed in this chapter. The lien shall not be assigned.

(2) No lien shall attach to any personal property in or on the vehicle. Personal property in or on the vehicle shall be given to the registered owner or owner's authorized agent upon demand. The ~~lien holder~~ possessory lienholder shall not be responsible for property after any vehicle has been disposed of pursuant to this chapter.

SECTION 11. That Section 49-1811, Idaho Code, be, and the same is hereby amended to read as follows:

49-1811. SALE OF UNCLAIMED VEHICLES. (1) If the owner of ~~an abandoned a~~ vehicle does not claim the vehicle before the day of sale or the owner or ~~lien holder~~ lienholder is unknown or cannot be located, the ~~abandoned~~ unclaimed vehicle shall be sold, pursuant to the notice of sale. Upon sale, the governmental entity conducting the sale shall apply for and the department shall issue a new certificate of title for the ~~abandoned~~ unclaimed vehicle. The new certificate of title shall be delivered to the new purchaser by the department. The application for the new certificate of title shall state that the ~~abandoned~~ unclaimed vehicle has been sold as abandoned and ownerless to the purchaser. The new certificate of title may thereafter be used by the purchaser to show ownership of the sold ~~abandoned~~ unclaimed vehicle.

(2) All sales of vehicles, pursuant to the provisions of this chapter, shall be under the direction of an appropriate governmental agency which shall prior to sale be satisfied that all prerequisites in this chapter have been satisfied.

SECTION 12. That Section 49-1812, Idaho Code, be, and the same is hereby amended to read as follows:

49-1812. CLAIMING OF ~~ABANDONED~~ VEHICLES. (1) The owner of ~~an abandoned any vehicle or any vehicle removed under extraordinary circumstances removed under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen,~~ may take possession of the ~~abandoned~~ vehicle at any time prior to sale by proving ownership and paying the costs relative to towing and storing the vehicle and costs of advertising except as otherwise provided in section 49-1805, Idaho Code.

(2) A lienholder of ~~an abandoned vehicle or any vehicle removed under extraordinary circumstances any vehicle removed under the provisions of this chapter except those vehicles impounded for investigation or suspected stolen,~~ may take possession of the ~~abandoned~~ vehicle at any time prior to the sale by proving the presence of the lien and by paying the costs relative to towing and storing the vehicle and costs of advertising. The lienholder may

1 also take possession of the ~~abandoned~~ vehicle by purchasing the vehicle at  
 2 the sale. Nothing in this chapter shall be construed to abate any cause of  
 3 action that a lienholder has against the owner of an abandoned vehicle.

4 SECTION 13. That Section 49-1813, Idaho Code, be, and the same is hereby  
 5 amended to read as follows:

6 49-1813. REMOVAL WITHOUT PAYMENT PROHIBITED. Unauthorized removal of  
 7 ~~an abandoned vehicle~~ any vehicle towed under the provisions of this chapter  
 8 from the custody of the department, the sheriff, state police or police  
 9 department, or from the custody of any person holding the ~~abandoned~~  
 10 for the department, the sheriff, state police or police department without  
 11 payment in full of all charges and costs that have been incurred under the  
 12 provisions of this chapter shall be a misdemeanor and the ~~abandoned~~  
 13 may be recovered and returned to the place of storage or disposed of by the  
 14 department, the sheriff, state police or police department.

15 SECTION 14. That Section 49-1814, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 49-1814. DISPOSITION OF LOW-VALUED VEHICLES. (1) If the vehicle is  
 18 appraised at a value not exceeding ~~two~~ seven hundred fifty dollars (~~\$20~~750),  
 19 the provisions of sections 49-1809 through 49-1811, Idaho Code, shall not  
 20 apply, and the person or public agency which removed the vehicle shall:

21 (a) Prepare a certificate containing a description of the vehicle  
 22 stating the appraised value of the vehicle and indicating one (1) of the  
 23 following:

24 1. The agency which requested the tow has submitted a certified  
 25 statement that a declaration of opposition has not been received.

26 2. The registered and legal owners have signed a certified release  
 27 disclaiming any interest, which release shall be included with the  
 28 certificate.

29 3. The vehicle is in a condition that vehicle identification  
 30 numbers are not available to determine owners of record.

31 (b) Upon completion of the certificate, execute and deliver a bill of  
 32 sale, together with a copy of the certificate, ~~either~~ to the possessory  
 33 lienholder, who shall endorse the bill of sale to an automobile parts  
 34 dealer or to a scrap processor for disposal.

35 (2) Automobile parts dealers acquiring vehicles which are the subject  
 36 of certificates prepared and forwarded pursuant to this section shall be  
 37 excused from any fees which would otherwise be due to the department.

38 (3) A public agency may authorize, by contract, the removal or  
 39 disposal of low-valued vehicles. The contract shall be issued to the lowest  
 40 responsible bidder. Bills of sale shall then be executed and delivered,  
 41 pursuant to subsection (1) (b) of this section, to the contractor.

42 (4) The following persons shall have the authority to make appraisals  
 43 for purposes of this chapter:

44 (a) Any member of the Idaho state police;

45 (b) Any regularly employed and salaried deputy sheriff or other  
 46 employee designated by the sheriff of any county;

1 (c) Any regularly employed and salaried peace officer or other employee  
2 designated by the chief of police of any city;

3 (d) Any officer or employee of the division of motor vehicles  
4 designated by the director;

5 (e) Any regularly salaried employee of a city, county, or city and  
6 county designated by a board of county commissioners or by a city  
7 council; or

8 (f) Any regularly employed and salaried peace officer or other employee  
9 of the department of parks and recreation designated by the director of  
10 that department.

11 (5) An appraiser, upon completion of an appraisal within the meaning of  
12 this chapter, shall notify the department of the appraisal and of the facts  
13 upon which the appraisal was based.

14 SECTION 15. That Section 49-1815, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 49-1815. DISPOSITION OF LOW-VALUED VEHICLES -- PROCEDURE. The  
17 procedure for the disposition of low-valued vehicles is as follows:

18 (1) The person or agency which removes the vehicle shall, within  
19 fifteen (15) working days following the date of possession of the vehicle,  
20 make a request to the department for the names and addresses of all persons  
21 having an interest in the vehicle. No storage charge shall accrue beyond the  
22 fifteen (15) day period unless the possessory lienholder has made a request  
23 to the department as provided in this section.

24 (2) The person or agency which removes the vehicle shall immediately  
25 upon receipt of this information send, by certified mail with return receipt  
26 requested, the following prescribed forms and enclosures to the registered  
27 owner and legal owner at their addresses of record with the department, and  
28 to any other person known to have an interest in the vehicle:

29 (a) A completed form entitled "Notice of Intent to Dispose of a Vehicle  
30 Valued at \$~~20~~750 or Less";

31 (b) A blank form entitled "Declaration of Opposition."~~-~~

32 (3) All notices to persons having an interest in the vehicle shall be  
33 signed under penalty of perjury and shall include all of the following:

34 (a) A description of the vehicle, including make, year, l model,  
35 identification number, license number, and state of registration;

36 (b) The names and addresses of the registered and legal owners of the  
37 vehicle and any other person known to have an interest in the vehicle;

38 (c) The following statements and information:

39 1. The amount of the lien;

40 2. The facts concerning the claim which give rise to the lien;

41 3. The person has a right to a hearing in court;

42 4. If a hearing in court is desired, a declaration of opposition  
43 form shall be signed under penalty of perjury and returned to the  
44 agency which requested the tow within ten (10) days of the date the  
45 notice of intent to dispose of a vehicle valued at \$~~20~~750 or less  
46 form was mailed; and

47 5. The declarant may be liable for court costs if a judgment is  
48 entered in favor of the possessory lienholder.

(d) A statement that the possessory lienholder may dispose of the vehicle to a certified automobile parts dealer if it is not redeemed or if a declaration of opposition form is not signed and mailed to the agency which requested the tow within ten (10) days of the date the notice of intent to dispose of a vehicle valued at ~~\$20~~750 or less form was mailed.

(4) If the agency which requested the tow receives a completed declaration of opposition form within the time prescribed, the vehicle shall not be disposed of for an additional fifteen (15) day period during which time the individual filing the declaration of opposition must file an action with the appropriate court and cause the possessory lienholder to be served with the summons and complaint. The filing and service of the action will stay disposal of the vehicle pending decision by the court unless the declarant subsequently releases his interest in the vehicle.

SECTION 16. That Section 49-1816, Idaho Code, be, and the same is hereby amended to read as follows:

49-1816. DISPOSITION OF LOW-VALUED VEHICLE ~~— AUTOMOBILE PARTS DEALER~~. (1) Any vehicle determined to have a value not exceeding ~~two~~ seven hundred fifty dollars (~~\$20~~750) which was stored pursuant to this chapter, and which remains unclaimed, or for which reasonable towing and storage charges remain unpaid, ~~shall~~ may be disposed of ~~only~~ to an automobile parts dealer not earlier than fifteen (15) days after the date the notice of intent to dispose of a vehicle valued at ~~two~~ seven hundred fifty dollars (~~\$20~~750) or less form was mailed, unless a declaration of opposition form has been signed and returned to the possessory ~~lienholder~~ lienholder.

(2) If the vehicle has been disposed of to an automobile parts dealer, the person or agency removing the vehicle shall forward the following forms and information to the department within five (5) days:

- (a) A statement, signed under penalty of perjury, that a properly executed declaration of opposition form was not received;
- (b) A copy of the notice sent to all interested parties;
- (c) A certification from the public agency which made the determination of value pursuant to section 49-1814, Idaho Code;
- (d) The proof of service or a copy of the court judgment;
- (e) The name, address, and telephone number of the certified automobile parts dealer who received the vehicle; and
- (f) The amount the person or agency removing the vehicle received for the vehicle.

SECTION 17. That Chapter 18, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1819, Idaho Code, and to read as follows:

49-1819. PROVISIONS OF SECTIONS UNIFORM THROUGHOUT STATE. The provisions of sections 49-1801 through 49-1818, Idaho Code, shall be applicable and uniform throughout the state and in all political subdivisions and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of these sections.